

### **REMARKS**

Claims 1-24 are pending and claim 25 has been added. A check in the amount of \$104 is attached hereto for additional claim 25. The abstract has been amended to address all of the rejections based on 35 U.S.C. 112, second paragraph. In the office action it is stated that while the specification and drawings clearly set forth that a plane created by a first curved ceiling panel does not lie in a plane created by an adjacent second curved ceiling panel, it is unclear how the plane created by the first panel does not line in a plane created by the second panel while each panel includes four endpoints terminating in a common plane. Applicants have enclosed two exhibits.

The first exhibit is a scale model of a single panel having a nearly square shape and four corners. By placing the panel on a horizontal plane, such as a desktop, it is apparent that, while the panel is wavy in appearance, the four corners of the panel terminate in a common imaginary plane. This clearly illustrates that each panel has four endpoints that terminate in a common plane.

The second exhibit is a scale model of four panels taped together at their edges to form a four panel ceiling system, such as described in the specification and illustrated in Figs. 1-3, 10, 14 and 15. Each panel of this four panel system has an imaginary plane that passes through the four corners of that panel. These four imaginary planes formed by each of the four panels are not coplanar, but angle towards the convergence point of the four panels. This is already has been shown in the figures and described in the specification as filed. No new matter has been added. Thus, the plane created by a first curved ceiling panel does not lie in the plane created by an adjacent second curved ceiling panel. Given the clarity provided by the applicants, the limitation of "four corners having end points terminating in a common plane" should now be given consideration.

Claims 8, 9 and 11 have been amended to overcome rejections based upon 35 U.S.C. 112, second paragraph.

In the office action, it was stated that drawing amendments are required because reference character 31 has been used to designate both grid clips on page 5 of the specification and panels 31 on page 6 of the specification. Page 6 of the specification has been amended to change "panels 31" to read as "panels 20." The amendments to the specification negate the need to amend the drawings since figure 2 clearly shows grid clip 31.

Claim 1-4, 12-15, and 21-24 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,374,564 to Fletterick et al. Fletterick, as is the present application, is assigned to USG Interiors and makes up USG's CURVATURA® ceiling system line of products. The panels illustrated in Fletterick are only curved in the Y and Z axial dimensions and not in the X axial dimension, whereas claims 1, 12 and 21-24, as amended, require the ceiling panels to be curved in the X-Y-Z axial dimensions. The three dimensional curvature of the panels, as required by claims 1, 12 and 21-24 clearly is not shown by Fletterick. Thus, claims 1, 12 and 21-24 are not anticipated or rendered obvious by Fletterick.

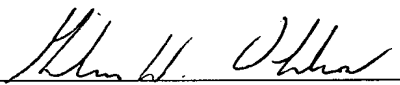
Claim 10 was rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,088,261 to Mieyal. Mieyal has also been assigned to USG Interiors. Mieyal teaches the use of horizontally curved grid tees for suspension ceilings to allow for the use of panels curved along their periphery. Claim 10, as amended, requires the curved ceiling panel to be curved about three dimensional axes, whereas the panels employed in Mieyal are only curved about two dimensional axes. Thus, claim 10 is not anticipated or rendered obvious by Mieyal.

Claim 11 was rejected under 35 U.S.C. 103(a) as being unpatentable over Mieyal in view of Fletterick. Claim 11 is dependent upon claim 10. In light of the amendments and arguments made in connection with claim 10, claim 11 is not anticipated or rendered obvious by Mieyal in view of Fletterick.

In light of the foregoing amendments, Applicants believe that claims 1-24 as currently amended and new claim 25 are allowable under 35 U.S.C. 102, 103 and 112. Therefore, the examiner is respectfully requested to withdraw the rejections set forth in the Office Action of July 02, 2003 and allow these claims to pass onward to allowance.


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Respectfully submitted,

  
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**Amendments to the Abstract of the Disclosure:**

Please replace the Abstract of the Disclosure found on page 16 with the following amended Paragraph.



The present invention relates to a A free form ceiling panel for suspended ceiling systems that ~~is designed to~~ creates the appearance of moguls. The free form ceiling panels ~~are designed to~~ fit into a suspended ceiling grid. The free form ceiling is a grid system made up of curving tee members and preformed curved panels. The grid members curve in predefined radii into which formed panels are placed. The frame is formed from individual curved grid members that meet at their respective ends to form intersections. The grid members are rigid preformed members that are curved so that when interconnected a curve is formed. ~~Alternatively, a standard planar grid system with variable length extension posts attached to the grid can be utilized to secure the free form panels.~~